

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randy L. Canis on August 11, 2009.

The application has been amended as follows:

Claims 18, 23-29 and 33-36 have been canceled to place this application in condition for allowance.

2. The following is an examiner's statement of reasons for allowance:

The present invention is directed to the method and apparatus of detecting signal presence from a video signal presented on a digital display device. Each independent claims identifies the uniquely distinct features: "designate a plurality of signal presences in a video signal, a particular signal presence of the plurality of signal presences being designated to raise luminance of a first consecutive frame and lower luminance of a second consecutive frame of a plurality of frames of the video signal in a substantially invisible way; designate a plurality of signal absences in the video signal, a particular signal absence of the plurality of signal absences is designated by passing through two consecutive unaltered frames of the video signal; and modulate the video signal based on the designating of the plurality of signal presences and the signal absences to produce a modulated video signal, the modulated video signal including the video signal"

Art Unit: 2622

modulated with the plurality of data bits, wherein raising of the luminance of the first consecutive frame increases total luminance of the first consecutive frame and lowering of the luminance of the second consecutive frame decreases the total luminance of the second consecutive frame". All the references of record, either singularly or in combination, fail to participate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 9:00 AM - 6:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 14, 2009

/Trang U. Tran/
Primary Examiner, Art Unit 2622